

### REMARKS

Claims 1-16 were previously pending in this application. By this amendment, Applicant is canceling no claims. Claims 1-7, 9-11, 13, 14 and 15 are amended herein. No new claims have been added. As a result claims 1-16 are pending for examination with claim 1 being an independent claim. No new matter has been added. The application as presented is believed to be in condition for allowance.

### Rejections Under 35 U.S.C. §103

Claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ishii, U.S. Patent Publication No. 2001/0021177 (hereinafter “Ishii”) in view of U.S. Patent Publication No. 2004/0081171 to Finn (hereinafter “Finn”). In response, Applicant amends claim 1 herein and requests reconsideration in light of the following comments.

Applicant does not concede that the proposed combination of Ishii and Finn is proper and reserves the right to traverse the proposed combination in the future. However, even if one were to combine the references as proposed, the proposed combination does not render claim 1, as amended, obvious. This is so because the proposed combination does not teach or suggest “determining a root bridge identifier, the root bridge identifier being used as a root bridge identifier in a plurality of network forwarding devices, the plurality of network forwarding devices including a first network forwarding device and a second network forwarding device participating in a same spanning tree, the first network forwarding device including at least one first port not running spanning tree protocol, the second network forwarding device including at least one second port not running the spanning tree protocol, the first network forwarding device exchanging data packets with the second network forwarding device through a core network via the at least one first port and the at least one second port” as required by amended claim 1.

Ishii is directed toward a “controller [that] changes a blocked port to a forwarding state when a link down or change of the representative bridge is detected and a receiving port of a bridge settled in the root bridge is a blocked port” (Abstract). In rejecting claim 1, the Office Action relies on an analogy between the blocked port of Ishii and “the at least one port” that “does not run spanning tree protocol” of claim 1. Applicant does not concede this analogy. However, even if the analogy were correct, Ishii fails to disclose that “the first network forwarding device including at least one first port not running spanning tree protocol, the second

network forwarding device including at least one second port not running the spanning tree protocol, the first network forwarding device exchanging data packets with the second network forwarding device through a core network via the at least one first port and the at least one second port” as required by amended claim 1. Rather, Ishii expressly forbids the blocked port from “exchanging data packets” in paragraphs [0017] and [0018], which respectively recite: “All data frames received at a blocked port are discarded” and “In addition, frame transmission from a blocked port is not performed at all.” Consequently, Ishii fails to teach or suggest at least one element of amended claim 1.

Finn does not cure this infirmity. Finn “is directed to a system and method for building very-large metropolitan area networks (MANS) using Layer 2 (L2) switching technology” (Paragraph [0031]). Finn discloses that “different groups of L2 switches are logically organized into Islands” and that an “interconnect fabric is utilized to couple the Islands together so that a customer site connected to a first Island can communicate with a customer site connected either to the same or a second Island” (Paragraph [0031]). Finn also discloses the “concatenated MAN consisting of Islands and interconnect fabric may be expected to be too large for any of the standard Spanning Tree Protocols to serve satisfactorily to prevent the formation of loops” (Paragraph [0032]). To solve this problem, Finn discloses “the Inter-MAN Control Protocol (IMCP), which represents a modified version of the Multiple Spanning Tree Protocol (MSTP)” and that “the L2 devices disposed in each Island are configured with a new Multiple Spanning Tree (MST) configuration name, revision level and checksum” (Paragraph [0032]).

With reference to FIG. 4, Finn discloses “a partial block diagram of MAN Provider switch” (Paragraph [0052]). According to Finn, this MAN Provider switch “includes a plurality of ports 402a-402e” and a “memory 424” (Paragraphs [0052]-[0053]). Finn discloses that memory 424 “is preferably organized to include a plurality of records or cells (not shown) for storing spanning tree related information or parameters such as the switch’s Configuration ID, numeric bridge identifier (ID), the assigned path cost for each port 402a-e for each MSTI, the current or “best” spanning tree information for each port P0-P4 for each MSTI” (Paragraph [0053]). Thus, Finn requires the MAN Provider switch to maintain spanning tree cost information for every port included in the device. This, however, stands in direct contrast to the requirement of amended claim 1 that “the first network forwarding device” include “at least one first port not running spanning tree protocol.” Thus Finn, like Ishii, fails to teach or suggest at

least one element of amended claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 2-16 depend from independent claim 1. Therefore, dependent claims 2-16 are allowable for at least the same reasons as independent claim 1, as amended. Accordingly, withdrawal of the rejection of claims 2-16 under 35 U.S.C. §103(a) is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. E2003-701010.

Respectfully submitted,

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